

Exhibit C

Transcript of the Testimony of



Date:

February 01, 2021

Case:

Students for Fair Admissions vs University of Texas

February 01, 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

STUDENTS FOR FAIR)
ADMISSIONS, INC,)

Plaintiff,)

VS.) CIVIL ACTION
UNIVERSITY OF TEXAS AT) NO.: 1:20-cv-00763-RP
AUSTIN, ET AL.,)

Defendants.)

ORAL AND VIDEOTAPED DEPOSITION OF

FEBRUARY 1, 2021

VOLUME 1

ORAL AND VIDEOTAPED DEPOSITION OF [REDACTED],
produced as a witness at the instance of the DEFENDANT,
and duly sworn, was taken in the above-styled and
numbered cause on February 1, 2021, from 9:38 a.m. to
1:25 p.m. via Zoom, before Miah Hoffman, CVR in and for
the State of Texas, reported by oral stenography,
pursuant to the Federal Rules of Civil Procedure and the
provisions stated on the record or attached hereto.

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P R O C E E D I N G S

REPORTER: We are on the Record. Today's date is February 1st, 2021. The time is 9:38 a.m. This is the oral deposition of [REDACTED], and it is being conducted remotely by agreement of the parties or in accordance with current Emergency Orders. The witness is attending from [REDACTED].

My name is Miah Hoffman, my CVR # is 7859 with Kim Tindall & Associates. I am administering the oath and reporting the deposition remotely by oral stenographic means.

My business address is 16414 San Pedro Avenue, Suite 900, San Antonio, Texas 78232. The witness has been identified to me through his Texas driver's license.

Would counsel go ahead and please state their appearances for the record?

MR. POWERS: Matt Powers for the defendants.

MR. MCKETTA: Also for defendants.

MR. CONNOLLY: Michael Connolly for plaintiff, Students For Fair Admissions.

MS. SIMPSON: Carter Simpson for the defendant, Intervenors.

MR. HINOJOSA: David Hinojosa, defendant,
Intervenors.

(Witness duly sworn.)

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. POWERS:

Q. [REDACTED] would you please state your name
for the record?

A. [REDACTED].

Q. Your first name is [REDACTED] and your last name
is [REDACTED], correct?

A. Yes.

Q. Have you ever given a deposition before, [REDACTED]
[REDACTED]?

A. No.

Q. Okay.

MR. CONNOLLY: Matt, I'm sorry to
interrupt. I should have said this before. Can I put
the stipulations that we agreed to on the record?

MR. POWERS: Yes, very good.

MR. CONNOLLY: Okay. So this is what the
parties agreed to before the deposition. During this
deposition it is possible that UT or the Intervenors
will have questions that SFFA believes infringe upon the

1 I'm referring to black students or African-American,
2 Hispanic, Latinx or brown students or Native American
3 students, do you understand?

4 THE WITNESS: Okay. Yes, Now I do.

5 Q. (BY MR. HINOJOSA) Okay. All right. My
6 apologies. So with that clarification, do you recall
7 whether or not there were any black, brown, or Native
8 American students who ranked in the top seven percent of
9 your high school and were admitted into UT?

10 A. I am not sure.

11 Q. And I think you said you weren't sure about
12 your class rank, but do you have an idea whether you
13 were in the top 20 percent?

14 A. I'm not sure. It could have gone either way,
15 but I know it would've been around that mark.

16 Q. And do you know of any persons of color who
17 attended your high school that did not rank in the top
18 seven percent, applied to UT and were denied admission?

19 A. Yes.

20 Q. And how many persons of color do you know that
21 were denied admission to UT that did not rank in the top
22 seven percent?

23 A. Well, I -- not denied admission, but given the
24 CAP Program, I know one.

25 Q. Okay. And is it your understanding that that

1 prep classes at [REDACTED] that you took?

2 A. No.

3 Q. What high school were you zoned for in
4 [REDACTED]?

5 A. [REDACTED].

6 Q. And what was the reason why you didn't attend
7 [REDACTED]?

8 MR. CONNOLLY: Objection. Sorry. No
9 objection.

10 THE WITNESS: I went to [REDACTED]
11 from kindergarten and it was important to my mom that I
12 remained going to [REDACTED].

13 Q. (BY MR. HINOJOSA) And you were freely to be
14 able to go to [REDACTED], correct?

15 MR. CONNOLLY: Objection. Objection to
16 the -- I apologize. I didn't -- I didn't hear what you
17 said. I didn't hear your question.

18 Q. (BY MR. HINOJOSA) You could have went to [REDACTED]
19 [REDACTED] if you and your mother wanted you to,
20 correct? I mean, nothing was stopping you or
21 prohibiting you from attending that high school?

22 MR. CONNOLLY: Objection to form.

23 THE WITNESS: I went where my mom told me
24 to go.

25 Q. (BY MR. HINOJOSA) Okay. But are you aware of

1 anything that prohibited you from going to [REDACTED]
2 [REDACTED]. That's just a question that -- I'm making sure.
3 I -- I just want to make sure that if you -- if your mom
4 wanted you to go to [REDACTED] you could have and
5 some type of, you know, event didn't prohibit you from
6 being able to go there.

7 MR. CONNOLLY: Objection to the form.

8 THE WITNESS: I -- yeah, I suppose.

9 Q. (BY MR. HINOJOSA) Okay.

10 MR. CONNOLLY: David, can we -- can we
11 take a -- can we take a short bathroom -- short break.
12 We -- we were only -- the past one was about five
13 minutes and --

14 MR. HINOJOSA: That's fine.

15 MR. CONNOLLY: I think it will probably
16 be the last one before -- my guess is, given what you
17 said.

18 MR. HINOJOSA: Yes.

19 REPORTER: All right. The time is 12:22
20 p.m. and we are off the record.

21 (Break.)

22 REPORTER: All right. The time is 12:32
23 p.m. and we are back on the record.

24 Q. (BY MR. HINOJOSA) All right, [REDACTED]. I
25 wanted to ask some questions related to your parents

1 now. What education -- what's the highest degree that
2 both of your parents have earned? Degree in education,
3 sorry.

4 A. Okay. My father has a high school degree and
5 my mother has a masters.

6 Q. Okay. And what is the family income?

7 MR. CONNOLLY: Objection.

8 THE WITNESS: I -- I mean, both my mom and
9 step-dad are [REDACTED] and that's who I live with, so I
10 don't know.

11 Q. (BY MR. HINOJOSA) Are you -- are you
12 considered the dependent of your mom and your father?

13 A. I believe they alternate who claims me.

14 Q. And how about your father? What income does
15 he have?

16 A. I am not sure.

17 Q. Is it more than a 100,000 annually?

18 A. Probably.

19 Q. More than a 150,000?

20 A. I'm not sure.

21 Q. And where -- what is your father's -- what
22 does he do for a living?

23 A. He's in the [REDACTED].

24 Q. And what does he do there?

25 A. He works on [REDACTED].

1 Q. So does he work for a company?

2 A. Yes.

3 Q. And your mother, you said that she's a
4 [REDACTED]?

5 A. She's a -- well, I -- she used to be a
6 [REDACTED]. Now, she's a [REDACTED]. She [REDACTED]
7 [REDACTED], that sort of thing.

8 Q. A [REDACTED] for what was that?

9 MR. CONNOLLY: Objection to the form.

10 Q. (BY MR. HINOJOSA) I mean, what do you mean by
11 [REDACTED]?

12 A. That's her job.

13 Q. In what field?

14 A. [REDACTED].

15 Q. Okay. And do you know if she makes more than
16 60,000 a year?

17 A. I don't.

18 MR. HINOJOSA: All right And I'm sorry,
19 but my -- Carter is in the waiting room, apparently she
20 was accidentally kicked out. Okay. Sorry about that.

21 MS. CARTER: Hi. Thank you. Sorry, I
22 think I was kicked out.

23 Q. (BY MR. HINOJOSA) And do your parents have any
24 other sources of income from businesses or anything that
25 you know of?

1 A. No.

2 Q. And the tuition that was paid at [REDACTED]
3 [REDACTED] annually, was that about 18,000 a
4 year?

5 A. It was less.

6 Q. Less, maybe 16,000?

7 A. Less.

8 Q. Well, how much more less?

9 A. It was about 12,000 per year.

10 Q. Okay. I think tuition's gone up since then
11 because I was --

12 A. I'm sure.

13 Q. -- going off some figures on the website.
14 Did you get any Need Based? Scholarship to attend
15 [REDACTED]?

16 A. Unfortunately, no.

17 Q. All right.

18 MR. CONNOLLY: Hang on one sec, I'm
19 freezing over here. Can you guys hear me? Okay. We're
20 back. Sorry, my -- my computer froze for a second.

21 MR. HINOJOSA: That's fine.

22 Q. (BY MR. HINOJOSA) The -- in applying for
23 college were eligible for any Pell Grants?

24 A. Can you explain what that is?

25 Q. Oh, a Pell Grant is basically a grant from the

1 government that you can qualify for based on your
2 family's income.

3 A. I'm not sure.

4 MR. CONNOLLY: Objection.

5 Q. (BY MR. HINOJOSA) Did you -- do you get any
6 Need Based financial aid at [REDACTED]?

7 A. No.

8 Q. And what is the source of -- who pays for your
9 college?

10 A. My father pays my tuition.

11 MR. CONNOLLY: I -- I apologize is anyone
12 else having problems with the video and audio?

13 MR. POWERS: Not presently.

14 MR. MCKETTA: I'm not, Mike.

15 MR. CONNOLLY: Okay. I don't know if
16 there's a way to improve the connection, but it's he's
17 on my end he said -- I -- I -- I see him talking and
18 then the video doesn't come for like -- or the sound
19 doesn't come for like four seconds later. I don't know
20 there's -- I guess --

21 MR. MCKETTA: You want to try logging out
22 and back in? We'll ask no questions while you're out.
23 If you want to try that.

24 MR. POWERS: And we'll go off the record.

25 REPORTER: We'll go off the record. The

1 time is 12:39 p.m. and we're off the record.

2 REPORTER: The time is 12:41 p.m. and we
3 are back on the record.

4 Q. (BY MR. HINOJOSA) Do you know how much your
5 tuition, room and board is [REDACTED]?

6 A. My rent and tuition is separate, but my
7 tuition is around six grand per semester.

8 Q. All right. And what school did your mother
9 attend? What -- I'm sorry. What colleges did she
10 attend?

11 A. She attended [REDACTED] for her bachelors
12 and [REDACTED] for her masters.

13 Q. Okay. And you said your mother is remarried
14 because I thought you mentioned a stepfather so I just
15 wanted to make sure I'm correct on that?

16 A. She's just married.

17 Q. She is remarried?

18 A. No, she's just married to my step-dad.

19 Q. Okay. Did she never marry your father?

20 A. No.

21 Q. Okay. And just to -- so the records clear
22 you're white non-Hispanic, correct?

23 A. That's correct.

24 Q. And both your parents are white non-Hispanic?

25 A. Yes.

1 Q. And was English their first language?

2 A. Yes.

3 Q. Earlier we were talking about how -- when you
4 applied to UT you didn't feel that you were restricted
5 in any way of conveying your qualifications, correct?

6 MR. CONNOLLY: Objection to the form.

7 THE WITNESS: Not -- not really. Kind
8 of.

9 Q. (BY MR. HINOJOSA) And I'm going to show you --
10 here's where we might end up getting a delay. My
11 technology skills aren't always the best. Let's see
12 chat -- wait, now I know what I'm doing. Hold on I got
13 to go through this whole thing.

14 I think you agree with me earlier that, you know,
15 other students shouldn't be so -- shouldn't be
16 restricted either and that you were only concerned that
17 if certain groups were being given an unfair advantage;
18 is that correct?

19 MR. CONNOLLY: Objection to the form.

20 THE WITNESS: Yeah, I think it should be
21 as fair as possible for each individual.

22 Q. (BY MR. HINOJOSA) Okay. So I dropped in -- in
23 the chat box an exhibit, it's 24 - H, this is Exhibit H,
24 the Declaration of Alexandra Trujillo, who is a
25 Intervenor in this case. Are you able to pull that up?

1 THE WITNESS: I think that all students
2 should have equal opportunity to state their experiences
3 and talents.

4 Q. (BY MR. HINOJOSA) And that includes --

5 A. Correct.

6 Q. -- and that includes being able to lift up how
7 those experiences intertwine with their race and
8 ethnicity, correct?

9 MR. CONNOLLY: Objection to the form of
10 the question. Objection asked and answered.

11 THE WITNESS: I don't -- I mean, I think
12 that people of various skin colors could have this
13 experience so I'm not sure that that's what's most
14 important, that the experiences probably import -- is
15 important to her especially.

16 Q. Yeah.

17 A. And she's probably --

18 Q. Go ahead.

19 A. But I think that people of different skin tone
20 could have experienced the same thing if they were from
21 Venezuela.

22 Q. Yeah, absolutely I -- I agree with you.
23 Now -- and you're not trying, through this lawsuit,
24 you're not trying to censor Ms. Trujillo or other
25 students from being able to freely describe their own

1 talents and experiences as it relates to their race and
2 ethnicity, correct?

3 MR. CONNOLLY: Objection to the form of
4 the question.

5 THE WITNESS: No.

6 Q. (BY MR. HINOJOSA) Now, I want to switch it a
7 little bit to -- to your college -- I think you said
8 that you started out as a [REDACTED] major and then you
9 chose [REDACTED]; is that correct?

10 A. That's correct.

11 Q. And it was your choice to pursue that degree,
12 correct?

13 A. Yes.

14 Q. And you get to select the courses that you
15 take, correct?

16 A. That's correct.

17 Q. And I think you mentioned that you also try to
18 take advantage of the college experience beyond the
19 course work. And do you feel that these experiences
20 will help, you know, build your resume as you look to
21 possibly apply to get your MBA degree after you graduate
22 with your bachelors?

23 MR. CONNOLLY: Objection to the form of
24 the question.

25 THE WITNESS: As far as extracurricular

1 MR. HINOJOSA: She's an Intervenor in the
2 case and she is a UT Austin student.

3 MR. CONNOLLY: Okay. I assume the
4 witness doesn't know so I just -- I wanted to give him
5 some context.

6 THE WITNESS: Can you repeat the
7 question?

8 Q. (BY MR. HINOJOSA) Sure. You would agree with
9 me that if Ms. McBride is applying to UT that -- and --
10 and for graduate school and/or maybe law school, that
11 you're not trying to censor her ability to be able to
12 define herself as a black woman and her related
13 experiences with black organizations on UT, correct?

14 MR. CONNOLLY: Objection to the form.

15 THE WITNESS: I would not say that I'm
16 trying to censor her.

17 Q. (BY MR. HINOJOSA) Okay. And to be clear,
18 you're not asking a federal court to step in, in this
19 case and start censoring applications of students like
20 Ms. Trujillo and Ms. McBride from even discussing their
21 race or ethnicity in their applications, correct?

22 MR. CONNOLLY: Objection to the form.

23 THE WITNESS: That's correct.

24 Q. (BY MR. HINOJOSA) And you do understand that
25 the Supreme Court has authorized UT and other

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

STUDENTS FOR FAIR)
ADMISSIONS, INC.,)
)
)
Plaintiff,)
) CIVIL ACTION
VS.)
) NO: 1:20-cv-00763-RP
UNIVERSITY OF TEXAS AT)
AUSTIN, ET AL.,)
)
Defendants.)

REPORTER'S CERTIFICATE
OF [REDACTED]

I, Miah Hoffman, CVR, do hereby certify that the
foregoing deposition is a full, true and correct
transcript;

That the foregoing deposition of Witness, [REDACTED]
[REDACTED], the Witness, hereinbefore named was at the time
named, taken by me in oral stenograph on February 1,
2021, the said Witness having been by me first duly
cautioned and sworn to tell the truth, the whole truth,
and nothing but the truth, and the same were thereafter
reduced to typewriting by me or under my direction. The
charge for the completed deposition is \$ _____ due from
Defendant;

() That pursuant to the Federal Rules of

1 Civil procedure, the Witness shall have 30 days after
2 being notified by certified mail, return receipt
3 requested, by the deposition officer that the original
4 deposition transcript is available in her office for
5 review and signature by the Witness and if any
6 corrections made are attached hereto;

7 () That by agreement of counsel, a reading
8 condensed copy of the deposition transcript along with
9 the full-sized original Changes and Signature Sheet has
10 been sent to _____ on _____ for review
11 and signature within 30 days and if any corrections
12 returned are attached hereto;

13 () That by agreement of counsel, the
14 deposition officer is instructed to release the original
15 deposition transcript to
16 _____ on _____ for review and
17 signature, and the deposition officer is thereafter
18 released of any further responsibility with regard to
19 the original;

20 () That the witness shall have thirty (30)
21 days for review and signature of the original transcript
22 and if any corrections returned are attached hereto;

23 () That the signed transcript () was () was
24 not received from the Witness within 30 days;

25 () That the examination and signature of the

Witness is waived by the Witness and the parties;

That the amount of time used by each party at
the deposition is as follows:

Mr. Powers: 01 HOURS:38 MINUTE(S)

Mr. Hinojosa: 01 HOURS:25 MINUTE(S)

Mr. Connolly: 00 HOURS:01 MINUTE(S)

I further certify that I am neither counsel for,
related to, nor employed by any of the parties or
attorneys in this action in which this proceeding was
taken, and further that I am not financially or
otherwise interested in the outcome of the action.

Certified to by me this 3rd day of February,
2021.



MIAH HOFFMAN, CVR 7859
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